UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,630	12/24/1999	GLEN SONNENBERG	NA99-01001	7746

28875   7590   10/03/2005

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EXAMINER
JACKSON, JENISE E

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/471,630	SONNENBERG, GLEN
	Examiner	**Art Unit**	
	Jenise E. Jackson	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1,2 and 5</u> is/are allowed.

6)☒ Claim(s) <u>3 and 6-8</u> is/are rejected.

7)☒ Claim(s) <u>10-16</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 3, 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ji et

al(5,889,943).

3.   As per claim 3, Ji discloses method of scanning a communication received at a

firewall(i.e. proxy) for target content(see col. 3, lines 42-54), wherein the communication is

directed to one of a set of computer nodes connected to the firewall(see col. 3, lines 42-54, col. 4,

lines 10-16), maintaining on the firewall a scanning module configured to scan communications

received at the firewall(see col. 8, lines 63-67, col. 9, lines 1-18); maintaining a set of criteria for

determining when one of the communications may be scanned at a computer node connected to

the firewall instead of at the firewall(see col. 9, lines 1-18); partitioning responsibility for

scanning the communications between the firewall and a first computer node connected to the

firewall(see col. 9, lines 1-25); receiving a first communication is intended for the first computer

node(see col. 10, lines 26-30); identifying one or more attributes of the first communication(see

col. 10, lines 26-30); determining from the criteria and the attributes whether to scan and the first

communication for target content on the firewall(see col. 8, lines 63-67, col. 9, lines 1-18);

determining from the criteria and the attributes whether the first computer node is configured to

scan the first communication for the target content(see col. 8, lines 63-67, col. 9, lines 1-18); and

forwarding the first communication to the first computer node; wherein the first computer node

receives and scans the communication for target content(see col. 9, lines 1-18); receiving a

second communication at the firewall, wherein the second communication is intended for a

second computer node; identifying one or more attributes of the second communication;

determining from the criteria and the attributes of the second communication whether the second

computer node is permitted to scan the second communication for predetermined content;

scanning the second communication at the firewall for the predetermined content(see col. 7, lines

1-56); forwarding the second communication to the second computer node; and marking the

second communication before the forwarding to the second computer node; wherein the first

computer node receives and scan the communication for the target content(see col. 3, lines 13-

41).

4.   As per claim 6, Ji discloses scanning a communication received at a firewall for target

content(see col. 3, lines 42-54), wherein the communication is directed to one of a set of

computer nodes connected to the firewall(see col. 3, lines 42-54, col. 4, lines 10-16), maintaining

on the firewall a scanning module configured to scan communications received at the

firewall(see col. 8, lines 63-67, col. 9, lines 1-18); maintaining a set of criteria for determining

when one of the communications may be scanned at a computer node connected to the firewall

instead of at the firewall(see col. 9, lines 1-18); partitioning responsibility for scanning the

communication between the firewall and a first computer node connected to the firewall(see col.

9, lines 1-125); receiving a first communication at the firewall, wherein the first communication

is intended for the first computer node; identifying one or more attributes of the first

communication(see col. 10, lines 26-30); determining from the criteria and the attributes whether

the first computer node is configured to scan the first communication for the target content(see

col. 8, lines 63-67, col. 9, lines 1-18); and forwarding the first communication to the first

computer node(see col. 9, lines 1-18); wherein the first computer node receives and scans the

communication for the target content; identifying whether the firewall is capable of scanning the

first communication for target content(see col. 9, lines 1-18); determining whether the firewall is

configured to share responsibility for scanning the communications with one or more of the

plurality of computer nodes; determining whether the first node is capable of scanning the first

communication for the target content; and determining whether the communication satisfies one

or more criteria in the set of criteria(see col. 3, lines 13-41, col. 7, lines 1-56).

5.   As per claims 7-8, limitations have already been addressed(see claims 1-2). Further, as

per claim 7, Ji discloses wherein the set of scanning rules includes; a first subset of scanning

rules for determining when the communication may be scanned for target by a destination node

of the communication instead of the firewall; and a second subset of scanning rules for

determining when the communication is to be scanned on the destination node and not on the

firewall(see col. 3, lines 13-41, col. 7, lines 1-50). Also, Claims 7-8, is rejected for a virus

scanner(see col. 9, lines 18-25).

6.   As per claims 1, 2, 5, and 17 are allowable because, prior art in networking nor security

discloses specifying a set of criteria to identify when a communication may be scanned for target

content by the first computer node, and also consulting the operator to determine the scanning

requirements. Prior art discloses that a node communicates with the firewall, and tells the

firewall to only forward certain data; however, the data that is transmitted is already scanned

prior to being forwarded to the user. An example of prior art that does not teach the claims

above is Segal. Segal discloses that a node communicates with the firewall, and tells the firewall

to only forward certain data; however, the data that is transmitted is already scanned prior to

being forwarded to the user. Claims 10-16 are objected as being rejected on base claim 7. These

claims are allowable, because the firewall, proxy or gateway of prior art sets up the scanning

rules, not the node.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
AU 2131

September 20, 2005